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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/866,272      | 05/25/2001  | Paul S. Zdinak       | 34013-00034USPT     | 5538             |

7590

02/27/2004

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EXAMINER

RAHLL, JERRY T

ART UNIT

PAPER NUMBER

2874

DATE MAILED: 02/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/866,272

**Applicant(s)**

ZDINAK ET AL.

**Examiner**

Jerry T Rahll

**Art Unit**

2874

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 October 2003.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 8-24 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☒ Claim(s) 9-24 is/are allowed.  
6) ☒ Claim(s) 1, 4-6 and 8 is/are rejected.  
7) ☒ Claim(s) 2 and 3 is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 25 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 1, 4-6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Graham et al.
3. Graham et al. describe an optical jumper having a casing (13, 14) with an exposed end (15-20) and a connector end (29, 30) and an optical fiber (11) having a first connector (21) on a first end and a second connector (22) on a second end, where the first and second connectors extend out from the connector end. Graham et al. further describes a grip area (the raised portion of the casing located near the extension section 19) on the expose end of the casing (see Figures 2-3 and Column 5).
4. Graham et al. does not specifically describe the connectors as approximately 1 inch apart or the inner bend radius of the optical fiber greater than approximately 0.4 inches. However, Graham et al. does describe the optical fiber as 5.5 inches long (see Col 5, Lns 66-67). An optical fiber of the shape shown in Figure 2 of Graham et al. having a length of 5.5 inches would result in the connectors being approximately 1 inch apart and a bend radius greater than approximately 0.4 inches. Therefore, it would have been obvious to one of ordinary skill in the art that the setup shown in Graham et al.'s Figure 2 would have the connector spacing of approximately 1 inch and an inner bend radius greater than approximately 0.4 inch.

***Allowable Subject Matter***

5. Claims 9-24 are allowed.

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6. Claims 2-3 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Claims 9-22 describe an optical jumper connecting at least one port to an optical fiber from a first WDM to a second port to an optical fiber of a second WDM

8. Claims 2-3 describe the jumper having a magnet carried by the casing for engaging a sensor in a mounting device.

9. Claims 23-24 describe a sensor proximate at least one of the first group of ports and second group of ports for detecting a presence of an optical jumper.

#### ***Response to Arguments***

10. Applicant's arguments filed 21 October 2003 have been fully considered but they are not persuasive.

11. Regarding the Applicant's arguments that would not have been obvious that the jumper described by Graham et al. meets the dimensional requirements described in Claims 1, 5, 6 and 8, the examiner respectfully disagrees. It is not simply the fact that Graham et al. describes the optical fiber as 5.5 inches long (see Col 5, Lns 66-67). When the described length is used for a fiber having the shape shown in Figure 2, the other dimensions (such as bend radius and distance between the ends) would meet the dimensional requirements described in Claims 1, 5, 6 and 8.

#### ***Conclusion***

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

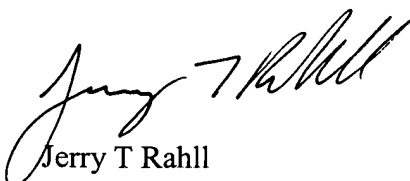
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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jerry T Rahll whose telephone number is (571) 272-2356. The examiner can normally be reached on M-F (8:00-5:30), with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rodney Bovernick can be reached on (571) 272-2344. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Jerry T Rahll

  
AKM ENAYET ULLAH  
PRIMARY EXAMINER